

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

DANE MOREAU

CIVIL ACTION NO. 6:21-cv-00419

VERSUS

JUDGE SUMMERHAYS

COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION

MAGISTRATE JUDGE HANNA

**JUDGMENT**

This matter was referred to United States Magistrate Judge Patrick J. Hanna for report and recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Magistrate Judge's report and recommendation is correct and adopts the findings and conclusions therein as its own. Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that the Commissioner's decision is REVERSED and REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g).<sup>1</sup> More particularly, the Commissioner is instructed to evaluate whether the claimant's impairments meet or medically equal the severity of Listings 12.04 and 12.06 under both Paragraph B and Paragraph C of

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<sup>1</sup> A fourth sentence remand constitutes a final judgment that triggers the filing period for an EAJA fee application. *Shalala v. Schaeffer*, 509 U.S. 292 (1993); *Freeman v. Shalala*, 2 F.3d 552, 553 (5<sup>th</sup> Cir. 1993).

the listings. The claimant should be afforded the opportunity to submit updated medical evidence and to testify at another hearing.

Signed at Lafayette, Louisiana, this 11th day of January, 2022.

A handwritten signature in black ink, appearing to read 'R. Summerhays', is written over a horizontal line.

ROBERT R. SUMMERHAYS  
UNITED STATES DISTRICT JUDGE